IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 524 OF 2007

UNION OF INDIA THROUGH SECRETARY
AND 3 ORS., ... Petitioners

Versus

SMT. ANUJA AJIT PALKAR AND ANR., ... Respondents

Mr. Joseph Vaz, Advocate for the Petitioners.

Coram:- D. B. BHOSALE &
N. A. BRITTO, JJ.

Date:- 12th December, 2007

P.C.:-

Heard learned Counsel for the Petitioners.

This petition is directed against an Order dated 3-8-2007 rendered by Central Administrative Tribunal Bombay Bench, Mumbai, allowing the Original Application No. 721 of 2005 filed by Respondent No.1.

By this Order, the Tribunal has quashed the order impugned before it dated 14-1-2005 and the Petitioners were directed to reinstate Respondent No.1 with all consequential benefits including the benefit of regular incumbent from the date of her selection with continuity of service in respect thereof. Respondent No.1 was also held to be entitled for 50% of the wages payable during this period.

Respondent No.1 was appointed after her due selection on the post of Gramin Dak Sevak Branch Post Master. Her services were however terminated on two grounds. Firstly, she had not furnished relevant documents and secondly, on the ground that the post of GDS Mail Deliverer was abolished. In so far as first ground is concerned, there is no

dispute that she furnished all the relevant documents subsequently. It is an admitted position that Respondent No.1 from the date of her selection on regular basis i.e. from 1st May, 2002 or even from July, 2001, when she was initially appointed as a substitute, she has been continued regularly without break until she proceeded on maternity leave. The second ground on which her services were terminated was considered by the Tribunal in proper prospective having regard to all the relevant material and factual matrix so also in the light of the observations made by the Supreme Court in The Superintendent of Post Offices and others v. P. K. Rajamma(1977) 3 SCC 94). The Tribunal has in paragraph 14 made the following observations:

> "We note that the decision of abolition of GDS Mail Deliverer was taken long back in 2001 and at least before the issuance of notification for the post of GDS Branch Post Master in question. Hence, the said abolition of the post of GDS Mail Deliverer has no nexus with the selection of the applicant for a regular post of GDS BPM. Moreover, the argument of the respondents is falsified by the fact that the post which was abolished was that of GDS Mail Deliverer, whereas, the post against which the applicant was considered, selected and worked for a continuous period of more than 3 years is that of GDS Branch Post Master. Therefore, the action of the respondents cannot be sustained even on this ground. The plea is only advanced to confuse the whole issue. In the above backdrop, the action of the respondents in not regularising the applicant on the post of GDS

BPM by issuing a formal appointment letter in response to her selection to the post in question is unjust, unfair and illegal".

Considering the findings recorded by the Tribunal and as we find sufficient material on record to sustain the findings and considering the writ jurisdiction of this Court under Articles 227 and 226 of the Constitution of India we find absolutely no reason to interfere with the impugned order of the Tribunal.

In the circumstances, this Writ Petition is dismissed.

D. B. BHOSALE, J.

N. A. BRITTO, J.

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